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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,288	11/27/2003	Tzun-Zong Wu		1164

7590 08/09/2004
Tzun-Zong Wu
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,288

Applicant(s)

WU, TZUN-ZONG

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 2-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 2-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 27, 2004.
2. Applicant's election with traverse of Group III in the reply is acknowledged. The traversal is on the ground(s) that the figures [of Groups III-V] are directed towards a grip having a single groove. This is not found persuasive because applicant did not admit on the record that the species are obvious variants or identify evidence now of record that this is the case. However, upon further inspection, the examiner accepts the position that Figures 8-14 may constitute one species since the elected claims are deemed generic to these figures.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 & 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Additionally, in Claim 1, it is not clear how "a grip connected with a central shaft" forms an umbrella as recited in lines 1-2 [it is viewed that an

Art Unit: 3637

umbrella would at the very least need to constitute ribs, stretchers and a cover for example in addition to a shaft and handle]; in Claim 9, it is viewed that the phrases "with a central shaft" & "a groove circumferentially recessed" constitute a double inclusion of the previously defined "a central shaft" & "a groove circumferentially recessed" of Claim 1. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 & 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen [U.S. Patent No. 4,624,276]. Allen (figures 1-11) teaches of an umbrella grip (10 or 75) having a central shaft (12); an elastic string (11 or 76) operatively protruding out from the grip and forming a loop (fig. 1 & fig. 10), the string being elastic (flexible strap as defined) and can be resiliently wound and engaged with a groove (14 or 78) circumferentially recessed in an outer surface of an extension wall (15 or 77) of the grip, the string may be fastened in the groove when not in use or to prevent from tangling. As to claims 9-11, the grip (75) includes two inherent string holes {located at 79} and formed in the groove for the insertion of two end portions of the string, the string forming a loop portion extending outwardly from the grip and is fastened within the groove for a resilient tight fit as readily apparent to the examiner (fig. 11), the extension wall being formed as a rectangular shape.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 & 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Exley et al., [U.S. Patent No. 4,632,137] in view of Allen `276. Exley (figures 1-10) teaches of an umbrella grip (18) having a central shaft (16); a loop (24) operatively protruding out from the grip (fig. 3), the loop being engaged within a groove (18d) circumferentially recessed in an outer surface of an extension wall (20) of the grip, the loop may be fastened in the groove when not in use or to prevent from tangling with other articles. As to claims 9-11, the grip (75) includes two holes (18a, 18b) and formed in the groove for the insertion of two end portions of the loop, the loop extending outwardly from the grip and is fastened within the groove for a tight fit as readily apparent to the examiner (fig. 7), the extension wall being formed as a cylindrical shape. Exley teaches applicant's inventive claimed structure as disclosed above, but does not show the loop as being made of an elastic or flexible material. However, Allen`276 is cited as an evidence reference to show that the use of a flexible loop on an umbrella handle was old and well known. As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the loop of Exley so as to utilize a flexible/elastic material as taught by Allen`276 because this arrangement would positively seat the loop within the groove thereby securely housing the loop when not intended for use.

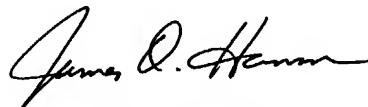
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okuda, Cain, Allen`815, Allen`677, Chen, British publication 1219378 and Allen`533 describe umbrella handles/grips with loops.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
August 4, 2004